



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 05-3245  
Released: December 20, 2005

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF ADELPHIA TELECOMMUNICATIONS, INC., DEBTOR-IN- POSSESSION BY TELECOM MANAGEMENT, INC., D/B/A PIONEER TELEPHONE

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-340

Comments Due: January 3, 2006

Reply Comments Due: January 10, 2006

On October 24, 2005, Adelphia Telecommunications, Inc., Debtor-in-Possession ("Adelphia" or "transferor"), Telecom Management, Inc., d/b/a Pioneer Telephone ("Pioneer" or "transferee") (together referred to as "Applicants"), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> seeking authority to transfer the assets of Adelphia to Telecom Management, Inc., d/b/a Pioneer. Since June 25, 2002, Adelphia has been operating under the protection of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").<sup>2</sup> Adelphia and Pioneer hold authority to provide domestic and international telecommunications services pursuant to section 214 of the Act.<sup>3</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because the transferee will have a market share in the interstate interexchange market of less than 10 percent; the transferee will provide competitive telephone exchange services or exchange access services exclusively in geographic

<sup>1</sup> 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> In July, 2003, The Bankruptcy Court approved the sale of Adelphia's assets to Pioneer. *See In Re: Adelphia Communications Corporation, et al*, Case No. 02-41729 (REG) (Jointly Administered) (The "Chapter 11 Case") in the United States Bankruptcy Court for the Southern District of New York.

<sup>3</sup> Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

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areas served by a dominant local exchange carrier that is not a party of the proposed transaction; and no party to this Application is dominant with respect to any service.<sup>4</sup>

Adelphia Telecommunications, Inc. is a Delaware corporation which provides interexchange telecommunications services in multiple states. Leonard Tow (12.4%), is the only individual or entity that holds a 10% or greater interest in Adelphia.

Pioneer is incorporated in Maine. Pioneer is authorized to provide interexchange telecommunications service in every jurisdiction with the exception of Connecticut, where Pioneer's authority is pending, Alaska and Hawaii. Pioneer is wholly-owned by Sue Bouchard, a US citizen.

Applicants seek consent to transfer substantially all of Adelphia's telecommunications assets, including, but not limited to its customer accounts, to Pioneer. As a result of the transfer, Pioneer will continue to operate and provide service pursuant to its current authority and Adelphia will relinquish its authority to provide telecommunications services. The sale of customers and assets of Adelphia, pursuant to the Agreement, has been approved by the Bankruptcy Court.

Applicants state that the proposed transaction serves the public interest, convenience and necessity. Applicants assert the proposed acquisition will create operating efficiencies which will serve to enhance the overall capacity of Pioneer to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. Applicants claim that the customers of Adelphia will benefit from the improved resources and assets of Pioneer, which will help ensure continuity of service and enhance the ability of Pioneer to offer a broader range of innovative products and services to customers. Applicants maintain that this will strengthen the ability of Pioneer to offer services in competition with other providers.

## **GENERAL INFORMATION**

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of assets application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before January 3, 2006 and reply comments on or before January 10, 2006.**<sup>5</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer the

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<sup>4</sup> 47 C.F.R. § 63.03(b)(2)(i).

<sup>5</sup> See 47 C.F.R. § 63.03(a).

assets and related control on the 31<sup>st</sup> day after the date of this notice.<sup>6</sup> Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432

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<sup>6</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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**You may submit comments, identified by the above noted docket number, by any of the following methods:**

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov);
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Dennis Johnson at (202) 418-0809.

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